

# ACTIVITY 20

## WRITING ENVIRONMENTAL LAWS

This activity walks students through the steps and decisions that are made when drafting an environmental statute. It examines the interplay of opinions, values, beliefs, and science in the development of law. It is related to the “Scales, Rules, Standards, Policy, and Science” warm-up. Related activities include “Deciding To Clean the Air,” “Air Pollution Allowance Trading,” and “The Cost of Polluting.”

### CRITICAL OBJECTIVES

- ☀ Recognize why governments need laws and regulations
- ☀ Identify methods to obtain information for developing laws
- ☀ Recognize conflicts that may exist between what is wanted and what is achievable
- ☀ Translate objective and subjective data into laws

### SKILLS

- ☀ Comparing ideas
- ☀ Considering alternatives
- ☀ Writing reports
- ☀ Making decisions

### GUEST PRESENTERS

Guest presenters could include air quality engineers, environmental scientists, lawyers, or politicians.

### BACKGROUND

There are many approaches to managing environmental problems. Some approaches are voluntary and set goals, but do not require compliance. Other approaches are regulatory and impose requirements for compliance. Wholly regulatory approaches that both set goals and impose requirements are often called “command and control” regulations. An enforcement mechanism is needed to ensure compliance with requirements. Voluntary and other approaches, on the other hand, may use economic incentives to induce behavior or impose pollution control technologies on pollution sources.

The enforceability of requirements impacts the cost and effectiveness of enforcement and the ultimate degree of compliance. Requirements must be clear and practical, so that both the regulated community



### RELATED WARM-UP H

### REFER TO READING MATERIAL

“The Clean Air Act”

### TARGET GRADE LEVEL 7th-12th

### DURATION

Two class periods (80-90 minutes)

### VOCABULARY

Compliance  
Regulations  
Smog

### MATERIALS

Chalk  
Chalkboard

### WORKSHEETS INCLUDED

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and the enforcement authority understand “the rules of the game.” They must be backed up by adequate enforcement authority in order to be effective. They also should rely on inexpensive, reliable, or available technology so that unreasonable or impossible burdens will not be placed on the regulated community. Requirements that are unclear, imprecise, ambiguous, inconsistent, or contradictory will be difficult or impossible to enforce. (See reading material on “The Clean Air Act.”)



## **WHAT TO DO**

### **Before class #1 begins**

1. Write the following Problem Statement on the chalkboard:

PROBLEM: Traffic congestion and smog levels in the downtown area of our community have increased substantially in recent years. Traffic is so bad most times during the day that local buses cannot keep their schedules. Emergency vehicles cannot get through the congestion either. There have been several incidents in which heart attack victims have died, and a delay in the arrival of the ambulance or fire department has been blamed. In addition, local health authorities have reported an increase in cases of asthma and upper respiratory problems among people who live or work in the downtown area.

### **Class #1**

1. Explain that the class is going to write legislation to deal with the problem described on the chalkboard.
2. Divide the class into 5 teams. Assign one of the teams to serve as the city (town) council. Explain that each of the other teams will write and present a proposal to the council. The council then will vote and choose one of the proposals.
3. Hand out the student worksheet to all but the city (town) council team. Explain that the teams should use this checklist in drafting their proposals. Allow teams the maximum flexibility in preparing their proposals, but no team should be allowed to propose maintaining the status quo. All proposals should include any needed enforcement mechanisms—for example, methods to be used to enforce the law (such as citations for violations), authorization for a specific party or group (such as local police) to carry out enforcement, penalties for violations, and so on. Encourage students to talk to their parents, local city (town) council members, and business owners to help develop their proposals.
4. Instruct each team to choose one team member to be the spokesperson and present the team’s proposal at the next class (give a specific date but allow a few days to prepare)

5. Instruct the city (town) council team that they will be responsible for choosing a proposal to enact into law following the proposals. Indicate that they should be prepared to justify their choice and remind them that they have a broader responsibility to the community and should be prepared, if necessary, to make a choice between their own individual views and what's best for the community as a whole.
6. Give students the remainder of the class to work together and assign them to continue work outside of class in order to be prepared for the next class.

## Class #2

1. Arrange desks or a table at the front of the room with chairs to accommodate the city (town) council team members. Place a lectern, desk, or small table somewhere else in the room from which the spokespersons for the other team can present their proposals.
2. Have the spokespersons make their presentations. (You may want to suggest that one of the council team members write the salient points from each presentation on the chalkboard to help in comparing the proposals.) Allow the council team to question spokespersons as necessary to be sure they understand the proposals.
3. When presentations have been completed, give the council team a copy of the student worksheet. Have team members deliberate on the sufficiency of the proposal, using the worksheet.
4. Ask the council members to vote. Examine the results. Have the council team explain why they made the choice they did. Let students discuss the results and the process involved in writing laws. Ask students whether any of the proposals would be applicable in your community and how they would proceed to bring their ideas to the attention of local legislators.



## SUGGESTED MODIFICATIONS

- ☀ For higher grades, have students research actual local laws related to smog prevention or other air pollution issues. Have them make short presentations of their findings.

## SUGGESTED READING

Bryner, Gary C. *Blue Skies, Green Politics: The Clean Air Act of 1990*. Washington, DC: CQ Press (1992).

Cushman, John H., Jr. "Clinton to Order Effort To Make Pollution Fairer." *New York Times*, 143 (10 February 1994) p. A1.

Hogan, Barbara. "M2/P2...A Better Pollution Control Approach." *Conservationist*, 48 (September 1993) p. 46.

Liroff, Richard A. *Reforming Air Pollution Regulations: The Toil and Trouble of EPA's Bubble*. Washington, DC: Conservation Foundation (1986).

Stevens, Leonard A. *How a Law Is Made: The Story of a Bill Against Air Pollution*. New York, NY: Crowell (1970).

Willis, Terri, and Wallace B. Black. *Cars: An Environmental Challenge*. Children's Press (1992).

STUDENT WORKSHEET 1  
**WRITING ENVIRONMENTAL LAWS**  
**PROPOSED LEGISLATION CHECKLIST**

- [ ] Does the proposal describe requirements clearly?
- [ ] Is the regulated community adequately described?
- [ ] Are the actions required or prohibited stated clearly?
- [ ] Are requirements practical?
- [ ] Can requirements be met by the regulated community?
- [ ] Have exceptions or exemptions been included for extraordinary circumstances or contingencies?  
(In this example, groups may wish to allow ambulances and firetrucks to travel downtown as needed.)
- [ ] Does the proposal include sufficient enforcement provisions?
- [ ] Are any necessary enforcement bodies sufficiently authorized?
- [ ] Have other enforcement mechanisms been described adequately?
- [ ] Are penalties for violations included?
- [ ] If so, are they stated clearly?
- [ ] Has an appeal process been included?

